

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRIAN YAWBERRY,

Plaintiff,

VS.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 22-cv-777-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Pending before the Court is the Joint Motion to Award Attorney Fees and Expenses filed pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 and its supplement (Docs. 39, 43). Plaintiff seeks attorney fees and expenses in the amount of \$15,000.00. Defendant has no objection (Docs. 39, 43).

Plaintiff is the prevailing party and is entitled to an award of attorney fees pursuant to the EAJA. The Court finds that the agreed upon amount is reasonable and appropriate. Therefore, the Joint Motion to Award Attorney Fees and Expenses and its supplement (Docs. 39, 43) is **GRANTED**; and, Plaintiff is awarded **\$15,000.00**.

This award for attorney fees and expenses is in full satisfaction of all claims for attorney fees and expenses that may be payable to Plaintiff in this matter under the EAJA. Any fees paid belong to Plaintiff, not Plaintiff's attorney, and can be offset to satisfy any pre-existing debt that the litigant owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to Plaintiff's attorney, Brad Pelc, pursuant to the EAJA assignment duly signed by

Plaintiff. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record:

**Pelc Law Office
P.O. Box 7970
Belleville, Illinois 62222-7970**

IT IS SO ORDERED.

DATED: January 8, 2025



**STACI M. YANDLE
United States District Judge**